

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

CHIEFTAIN ROYALTY COMPANY,)
KELSIE WAGNER TRUSTEE OF THE)
KELSIE WAGNER TRUST, AND)
KELSIE WAGNER SUCCESSOR)
TRUSTEE OF THE WADE)
COSTELLO TRUST)

Plaintiffs,)

v.)

MARATHON OIL COMPANY,)

Defendant.)

Case No. 6:17-cv-00334-SPS

*(Removed from District Court of
LeFlore County, State of
Oklahoma, Case No. CJ-17-146)*

**PLAINTIFFS' MOTION TO CERTIFY THE SETTLEMENT CLASS FOR
SETTLEMENT PURPOSES, PRELIMINARILY APPROVE CLASS ACTION
SETTLEMENT, APPROVE FORM AND MANNER OF NOTICE AND
SET DATE FOR FINAL APPROVAL HEARING**

Plaintiffs, Chieftain Royalty Company, Kelsie Wagner Trustee of the Kelsie Wagner Trust, and Kelsie Wagner Successor Trustee of the Wade Costello Trust ("Plaintiffs"), individually and on behalf of all others similarly situated, respectfully file this Motion to Certify the Settlement Class for Settlement Purposes, Preliminarily Approve Class Action Settlement, Approve Form and Manner of Notice and Set Date for final Approval Hearing (the "Motion"), and hereby move the Court for entry of an Order:

1. Certifying the Settlement Class¹ for settlement purposes;
2. Preliminarily approving the Settlement of the above-captioned action;

¹ All capitalized terms not otherwise defined herein shall have the meaning given to them in the December 11, 2018 Stipulation and Agreement of Settlement ("Settlement Agreement"), a copy of which is attached as Exhibit 1 to the Memorandum of Law in Support of this Motion, filed concurrently herewith.

3. Appointing Plaintiffs as Class Representative of the Settlement Class;
4. Appointing Ryan Whaley Coldiron Jantzen Peters & Webber, PLLC, and Barnes & Lewis, LLP as Class Counsel for the Settlement Class and Whitten Burrage and Lawrence R. Murphy, Jr. as liaison local counsel for the Settlement Class;
5. Approve the form and manner of providing notice of the Settlement to the Settlement Class;
6. Appointing a Settlement Administrator;
7. Appointing an Escrow Agent; and
8. Setting a hearing date for final approval of the Settlement and application for an award of Attorneys' Fees, Litigation Expenses, and Case Contribution Award to Plaintiffs.

Plaintiffs base this Motion on the applicable law and all records and documents on file, including the Memorandum of Law in Support of this Motion, which is being filed concurrently herewith and is respectfully incorporated by reference as if set forth fully herein.

Accordingly, Plaintiffs respectfully request this Court enter an Order granting the relief listed above and any further relief to which the Court finds the Settlement Class entitled.

A proposed Order is being concurrently submitted to the Court.

Dated: December 11, 2018

Respectfully submitted,

s/Patrick M. Ryan

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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2018, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Guy S. Lipe – glipe@velaw.com

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s/Patrick M. Ryan

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